

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALLSTATE INSURANCE COMPANY,

Plaintiff,

- against -

BARRY ALAN DUBLIN, FLATLANDS
MEDICAL, P.C., and ALLMED MEDICAL
OF WILLIAMSBURG, P.C.,

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

No. 13-CV-2893 (RJD) (JO)

RAYMOND J. DEARIE, District Judge:

Allstate Insurance Company commenced this action on May 16, 2013, and served defendants Flatlands Medical, P.C., and Allmed Medical of Williamsburg, P.C., on May 24, 2013, and defendant Barry Alan Dublin on January 6, 2014. All three defendants failed to answer, and on July 9, 2013, default was entered against Flatlands Medical and Allmed Medical. On November 21, 2014, default was entered against Dublin. Allstate moved for default judgment against these defendants on January 5, 2015. On January 6, 2015, Allstate served copies of its motion on the defendants. I referred the motion to Magistrate Judge James Orenstein on January 7, 2015. Judge Orenstein scheduled a hearing to determine damages, and directed Allstate to serve notice of the hearing on each defendant, which Allstate attempted on January 26, 2015. Service was attempted on Dublin at multiple addresses, and was returned as undeliverable from at least one address. On February 26, 2015, Judge Orenstein cancelled the hearing, indicating that he would consider the motion on the basis of the papers. Judge Orenstein issued a report on Allstate's motion for default judgment on August 28, 2015, recommending that (1) judgment in the amount of \$310,981.59 in damages, plus \$143,152.19 in pre-judgment interest be entered against Allmed Medical; (2) judgment in the amount of \$284,913.70 in

damages, plus \$128,047.76 in pre-judgment interest be entered jointly and severally against Flatlands Medical and Dublin; (3) judgment in the amount of \$569,827.40 be entered against Dublin; and (4) declaratory judgment that Allstate is not obligated to pay outstanding claims submitted by Allmed or Flatlands be entered. Allstate served copies of the report and recommendation on defendants on August 31, 2015. Objections to Judge Orenstein's report and recommendation were due by September 14, 2015.

On September 11, 2015, Dublin filed a *pro se* request for a two-month extension to file an objection to the report and recommendation. He claims that he has "not received any notices about this case for the past year and a half" and only learned about Allstate's motion and the report and recommendation through "a relative of a lawyer [he] hired from a different case in 2011." Dublin's request for an extension is denied. Dublin was served with the complaint, the entry of default, Allstate's motion, and Judge Orenstein's report and recommendation. Even if, as Dublin contends, he stopped receiving notices sometime in early 2014, Dublin offers no explanation as to why he did not make an appearance when he first received notice of the case. Nor does he explain why he did not contact the Court in February 2015 when he apparently learned of Allstate's motion.

Dublin has not offered any objection to the well-reasoned report and recommendation. Accordingly, the Court adopts the report and directs the entry of judgment as recommended by Judge Orenstein.

SO ORDERED.

Dated: Brooklyn, New York
September 21, 2015

/s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge